

# **Exhibit A**

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**From:** Tarbutton, J. Scott [mailto:STarbutton@cozen.com]

**Sent:** Tuesday, March 24, 2020 3:01 PM

**To:** Kellogg, Michael K. <mkellogg@kellogghansen.com>; Rapawy, Gregory G.

<grapawy@kellogghansen.com>; Shen, Andrew C. <ashen@kellogghansen.com>;

WTC[sarah.normand@usdoj.gov] <sarah.normand@usdoj.gov>; Vargas, Jeannette

<jeannette.vargas@usdoj.gov>; Krause, Andrew (USANYS) 1 <Andrew.Krause@usdoj.gov>; Kabat, Alan

<kabat@bernabeipllc.com>; 'Cottreau, Steven T.' <scottreau@jonesday.com>; Eric L. Lewis

<Eric.Lewis@LBKMLAW.com>; Waleed.Nassar@LBKMLAW.com; Aisha Bembry

<Aisha.Bembry@LBKMLAW.com>; WTC[omohammed@otmlaw.com] <omohammed@otmlaw.com>;

fgoetz@goetzeckland.com; rkry@mololamken.com; enitz@mololamken.com;

peter.salerno.law@gmail.com; McMahon, Martin <mm@martinmcmahonlaw.com>

**Cc:** Carter, Sean <SCarter1@cozen.com>; 'Haefele, Robert' (rhaefele@motleyrice.com)

<rhaefele@motleyrice.com>; WTC[jflowers@motleyrice.com] <jflowers@motleyrice.com>; Kreindler, James

<jkreindler@kreindler.com>; Maloney, III, Andrew <amaloney@kreindler.com>; Steven R. Pounian

<Spounian@kreindler.com>; Goldman, Jerry <jgoldman@andersonkill.com>; Strong, Bruce

<Bstrong@andersonkill.com>; Clark, Jr., William <WClark@cozen.com>

**Subject:** [EXTERNAL] Notice of Service of Subpoenas - In Re Terrorist Attacks on September 11, 2001 (Case No. 1:03-MD-01570)

Counsel – Please accept this as notice pursuant to Rule 45(a)(4) of the Federal Rules of Civil Procedure that the Plaintiffs' Executive Committees in *In re Terrorist Attacks on September 11, 2001*, 03-md-1570 (GBD)(SN) ("MDL 1570"), on behalf of all plaintiffs, intend to promptly serve the attached subpoenas. To the extent there are additional interested counsel, we ask Defendants' Liaison Counsel or other related counsel to please circulate this notice and the attached subpoenas accordingly.

Regards,

Scott Tarbutton

On behalf of the Plaintiffs' Executive Committees



**J. Scott Tarbutton**

**Member | Cozen O'Connor**

One Liberty Place, 1650 Market Street Suite 2800 | Philadelphia, PA 19103

P: 215-665-7255 F: 215-701-2467

[Email](#) | [Bio](#) | [LinkedIn](#) | [Map](#) | [cozen.com](#)

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## UNITED STATES DISTRICT COURT

for the

Southern District of New York

In Re Terrorist Attacks on September 11, 2001

Plaintiff

v.

Defendant

Civil Action No. 03-MDL-1570

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: AT&T Global Legal Demand Center, 11760 US Highway 1, Suite 300, North Palm Beach, FL 33408  
By Fax to: 888-938-4715

(Name of person to whom this subpoena is directed)

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

See Attachment

Place: Per instructions from AT&T, responses can be mailed  
to: amaloney@kreindler.com  
rhaefele@motleyrice.com

Date and Time:

04/23/2020 10:00 am

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 03/23/2020

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Plaintiffs'  
Executive Committees, who issues or requests this subpoena, are:

Andrew Maloney, Kreindler & Kreindler, 750 3rd Ave., NY, NY 10017; 212-687-8181; amaloney@kreindler.com  
Robert Haeefe, Motley Rice, 28 Bridgeside Ave, Mt Pleasant, NC 29464; 843-216-9184; rhaefele@motleyrice.com

## Notice to the person who issues or requests this subpoena

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 03-MDL-1570

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:

**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)****(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



**ATTACHMENT**

**I. Instructions and Definitions:**

1. This subpoena is issued pursuant to Rule 45 of the Federal Rules of Civil Procedure and all documents specified below are required to be produced as required by Rule 45.
2. Each document responsive to this subpoena shall be produced in its entirety, with all non-identical copies and drafts, without abbreviation or redaction, subject only to credible assertions of privileges recognized under the common law.
3. If You assert a privilege or other authorized protection with respect to any document requested herein, You must produce all non-privileged/protected portions of the document with those portions as to which a privilege/protection is claimed redacted, and You must provide a privilege log that conforms with the requirements set out by United States Magistrate Judge Frank Maas in the case captioned *In re Terrorist Attacks on September 11, 2001*, No. 03-md-1570 (S.D.N.Y.), by Order dated November 19, 2012 (ECF No. 2644), including providing the following information concerning each individual document withheld or redacted:
  - a. The type of document or information (*e.g.*, letter, notebook, telephone conversation, etc.);
  - b. The general subject matter of the document;
  - c. The date of the document;
  - d. The authors of the document, the addressees of the document and any other recipients, and where not apparent, the relationship of the authors, addressees, and recipients to one another;
  - e. If the document is an electronic document, its file size; and
  - f. Each and every basis for the privilege or protection claimed; and if a privilege or protection asserted is based upon or governed by a law, statute, regulation, or rule, the specific law, statute, regulation, or rule being invoked.
4. As used herein, the following terms are defined as follows:
  - a. “Document” or “Documents” are defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” and “any designated tangible things” as used in Fed. R. Civ. P. 34(a)(1)(A) and (B). A draft or non-identical copy is a separate document within the meaning of this term.

- b. “Concerning” shall mean referring to, relating to, describing, evidencing, constituting, or in any way relevant to.
- c. “All,” “any,” and “each” shall each be construed as encompassing any and all.
- d. “And” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
- e. “AT&T Mobility” shall mean AT&T Mobility, including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on AT&T Mobility’s behalf.

“AT&T - Local” shall mean AT&T - Local, including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on AT&T - Local’s behalf.

“Bellsouth Mobility, LLC - GA” shall mean Bellsouth Mobility, LLC - GA, including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on Bellsouth Mobility, LLC - GA’s behalf.

“Bellsouth Telecommunications, Inc. (d/b/a Southern Bell Telephone and Telegraph)” shall mean Bellsouth Telecommunications, Inc. (d/b/a Southern Bell Telephone and Telegraph), including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on Bellsouth Telecommunications, Inc.’s (d/b/a Southern Bell Telephone and Telegraph) behalf.

“Blue Licenses Holding, LLC” shall mean Blue Licenses Holding, LLC, including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on Blue Licenses Holding, LLC’s behalf.

“Michigan Bell Telephone Co.” shall mean Michigan Bell Telephone Co., including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors,



or agents; and others known to You to have acted on Michigan Bell Telephone Co.'s behalf.

"Ohio Bell Telephone Co." shall mean Ohio Bell Telephone Co., including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on Ohio Bell Telephone Co.'s behalf.

"Pacific Bell" shall mean Pacific Bell, including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on Pacific Bell's behalf.

"SBC Internet Services, Inc. (d/b/a AT&T Internet Services)" shall mean SBC Internet Services, Inc. (d/b/a AT&T Internet Services), including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on SBC Internet Services, Inc.'s (d/b/a AT&T Internet Services) behalf.

"Southwestern Bell" shall mean Southwestern Bell, including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on Southwestern Bell's behalf.

"Teleport Communications Group, Inc." shall mean Teleport Communications Group, Inc., including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on Teleport Communications Group, Inc.'s behalf.

"Teleport Communications Seattle" shall mean Teleport Communications Seattle, including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on Teleport Communications Seattle's behalf.

- f. "You" and "Your" shall mean the following entities, individually and/or collectively: AT&T Mobility; AT&T – Local; Bellsouth Mobility, LLC – GA; Bellsouth Telecommunications, Inc. (d/b/a Southern Bell Telephone and Telegraph); Blue Licenses Holding, LLC; Michigan Bell Telephone Co.; Ohio

Bell Telephone Co.; Pacific Bell; SBC Internet Services, Inc. (d/b/a AT&T Internet Services); Southwestern Bell; Teleport Communications Group, Inc.; Teleport Communications Seattle, Inc., including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on their behalf.

- g. “Subscriber Information” shall mean the name of each subscriber or customer associated with the phone number or account; each account number associated with the phone number; each service address and billing address associated with the phone number or account; the name of each person or entity that opened the account or to which billing statements were directed; the features associated with the phone number or account; and any other phone numbers associated with the account.
- h. The “applicable time period” is defined as from January 1, 1995 through and including December 31, 2002. A responsive Document that was prepared prior to the applicable time period but that was operative and in use during the applicable time period must be produced. If a Document is undated, the date of its preparation cannot be ascertained, and the Document is otherwise responsive to the Request, the Document shall be produced.

**II. To Be Produced:**

- 1. Subscriber Information for the following AT&T Mobility telephone numbers:

2022568554  
2022972169  
2022976226  
2145789818  
2145789873  
2817983214  
3139309916  
5015414599  
5712131953  
7036232924  
7036236261  
7036251717  
7036260942  
7036260942  
7036281000  
7036288888  
7036298247  
7039897358  
7082059720  
9147079413

9147079423

2. Subscriber Information for the following AT&T - Local telephone number:

7145394200

3. Subscriber Information for the following Bellsouth Mobility, LLC - GA telephone numbers:

2138060131  
3102134469  
3109364186  
4129017373  
4152388984  
5107152668  
5596759910  
5596759910  
6192745516  
6193005208  
6193008199  
6193161299  
6193390512  
6194632000  
6194649428  
6198465611  
6199809797  
6266766677  
6462469900  
7035854424  
7143664202  
7732207210  
7863939119  
7863939239  
8083817133  
8084787788  
8585604557  
8587751785  
9092653401  
9096844422

4. Subscriber Information for the following Bellsouth Telecommunications, Inc. (d/b/a Southern Bell Telephone and Telegraph) telephone numbers:

2707620015  
5026376377  
8596259666

9049283693  
9547485332

5. Subscriber Information for the following Blue Licenses Holding, LLC telephone numbers:

2063210412  
2064096777  
2097568201  
2097568224  
3102004857  
3102004867  
3102008874  
3102662025  
3102831654  
3104354330  
3104355848  
3104357330  
3104358490  
3106004867  
3106661019  
3106661234  
3106661666  
3106662566  
3106662665  
3106662701  
3106664566  
3106666135  
3106666789  
3106667776  
3106669563  
3106669563  
3107215061  
3107533362  
3108718443  
3108744708  
3109386649  
3109620159  
3109620866  
4157943465  
4159991133  
5593556011  
5622432684  
5628834044  
6192520986  
6195180460

6197290847  
6198132310  
6198132370  
6198871606  
6198877253  
6199918316  
6612899202  
6613017859  
6618780104  
6618780111  
6618780115  
6618780116  
6618780119  
6618780125  
6618780129  
6618780137  
6618780141  
6618780142  
6618780157  
6618780170  
6618780172  
6618780175  
6618780179  
6618780187  
6618780191  
7027684919  
7143060171  
7144230860  
7144257547  
7146860145  
7146860149  
7146860156  
7148836615  
7149153532  
8016479603  
8052526666  
8583354593  
8583494379  
8585684293  
8587052097  
9097760052  
9097762972  
9168345237  
9168345465  
9492917546  
9492940521

9496323301

6. Subscriber Information for the following Michigan Bell Telephone Co. telephone numbers:

2485527777  
3132778064  
3135810444  
7343326152

7. Subscriber Information for the following Ohio Bell Telephone Co. telephone numbers:

6144592175  
9372688299  
9372947179

8. Subscriber Information for the following Pacific Bell telephone numbers:

2133864567  
2133870541  
3102020132  
3102020432  
3102020538  
3102020636  
3102020638  
3102020789  
3102023160  
3102040034  
3102041250  
3102871471  
3102872337  
3103380201  
3103380233  
3103380281  
3104792752  
3105141121  
3106413488  
3106455054  
3106698721  
3106705926  
3107775218  
3108158411  
3108368998  
3108388998  
3108397391



3108412239  
3108599090  
3109736050  
3234666120  
3239386649  
4157768088  
5305891008  
5592294440  
5592947881  
6192164860  
6192208497  
6192225923  
6192258325  
6192258352  
6192263901  
6192302895  
6192325264  
6192326264  
6192326284  
6192333004  
6192340284  
6192343151  
6192344354  
6192624009  
6192638999  
6192641808  
6192653455  
6192763253  
6192805170  
6192812508  
6192819139  
6192838333  
6192838999  
6192849169  
6192851561  
6192861661  
6192960534  
6192980534  
6192988804  
6192991788  
6192998996  
6193370553  
6193371812  
6193390512  
6194012692  
6194012697

6194012892  
6194071512  
6194202713  
6194208825  
6194220914  
6194227107  
6194236749  
6194256618  
6194272220  
6194276362  
6194276368  
6194278273  
6194424005  
6194442794  
6194615353  
6194628695  
6194651917  
6194652115  
6194665588  
6194744103  
6194793533  
6194828483  
6195232014  
6195428489  
6195620682  
6195639443  
6195793142  
6195820682  
6195821746  
6195891007  
6195897474  
6196400089  
6196441016  
6196617373  
6196672727  
6196673704  
6196682121  
6196978808  
6197186985  
6262821334  
6262828641  
6262844345  
6262867730  
6263091122  
6265649133  
6265761048

6265761590  
6612227114  
6612486564  
6612731718  
6618458308  
7142375788  
7145258265  
7145381899  
7145394920  
7145441275  
7146357161  
7146367887  
7146954228  
7147753843  
7148391798  
7148393700  
7148700751  
7149400035  
7149790837  
7149978272  
7604326938  
7604361320  
7604808006  
7605981421  
7607301980  
7607413007  
7607463717  
7607613885  
7609012441  
7609317423  
7609317463  
8055207142  
8182389819  
8183446988  
8183447752  
8314497609  
8582590717  
8582680507  
8582681133  
8582682060  
8582682133  
8582684830  
8582689521  
8582689621  
8582709211  
8582710192

8582728020  
8582737856  
8582745336  
8582747668  
8582770150  
8582775252  
8582775841  
8582775947  
8582776941  
8582777297  
8582777300  
8582780788  
8582795915  
8582799530  
8582924147  
8583501332  
8584579127  
8584679330  
8584813640  
8584830236  
8584830238  
8584837948  
8584846569  
8584858898  
8584865120  
8584950300  
8585582488  
8585600988  
8585604300  
8585604551  
8585609261  
8585651239  
8585657080  
8585690168  
8585694293  
8585717855  
8585719172  
8585719312  
8585732190  
8585739753  
8586130620  
8586221169  
8586272545  
8586589939  
8586737106  
8586790328

8586898764  
8587154724  
8587158510  
8587159933  
8588740339  
8588746966  
9162633680  
9163669375  
9495819047  
9495950486  
9497200742  
9497268006  
9497532000

9. Subscriber Information for the following SBC Internet Services, Inc. (d/b/a AT&T Internet Services) telephone numbers:

2137492218  
3105588123  
3108384999  
5107916905  
6192164880  
6194277111  
6194741445  
6194826933  
6195896200  
8582723400  
8582782700  
8585382410  
9497232000

10. Subscriber Information for the following Southwestern Bell telephone numbers:

4053668537  
5015699220  
7139757752  
7139772689  
8709721991

11. Subscriber Information for the following Teleport Communications Group, Inc. telephone numbers:

3026539245  
3035814400  
3103053344  
5032267600

6175282078  
6177324578  
6195165244  
6195236005  
7035583000  
7035583085  
7142265168  
7145336271  
7145336272  
7147814565  
8582792753  
8585650055

12. Subscriber Information for the following Teleport Communications Seattle telephone number:

4256026296

13. Any and all documents concerning Your document destruction, retention, or storage procedures in effect between 1995 and the present, which could have caused documents concerning the aforementioned telephone numbers to be destroyed or to no longer be in Your possession, custody, or control.

LEGAL\45447863\1



## UNITED STATES DISTRICT COURT

for the

Southern District of New York

In Re Terrorist Attacks on September 11, 2001

Plaintiff

v.

Defendant

Civil Action No. 03-MDL-1570

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Verizon Subpoena Compliance Center: VSAT, 180 Washington Valley Road, Bedminster, NJ 07921  
By fax to: 888-667-0028

(Name of person to whom this subpoena is directed)

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

See Attachment

Place: Kreindler & Kreindler  
750 3rd Avenue, New York, NY 10017

Date and Time:

04/23/2020 10:00 am

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 03/23/2020

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (Name of party) Plaintiffs'  
Executive Committees, who issues or requests this subpoena, are:

Andrew Maloney, Kreindler & Kreindler, 750 3rd Ave., NY, NY 10017; amaloney@kreindler.com; 212-687-8181  
~~Robert Haefele, Motley Rice, 28 Bridgeside Blvd., Mt. Pleasant, NC 29464; rhaefele@motleyrice.com; 843-216-9184~~

## Notice to the person who issues or requests this subpoena

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 03-MDL-1570

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:

**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)****(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

**ATTACHMENT**

**I. Instructions and Definitions:**

1. This subpoena is issued pursuant to Rule 45 of the Federal Rules of Civil Procedure and all documents specified below are required to be produced as required by Rule 45.
2. Each document responsive to this subpoena shall be produced in its entirety, with all non-identical copies and drafts, without abbreviation or redaction, subject only to credible assertions of privileges recognized under the common law.
3. If You assert a privilege or other authorized protection with respect to any document requested herein, You must produce all non-privileged/protected portions of the document with those portions as to which a privilege/protection is claimed redacted, and You must provide a privilege log that conforms with the requirements set out by United States Magistrate Judge Frank Maas in the case captioned *In re Terrorist Attacks on September 11, 2001*, No. 03-md-1570 (S.D.N.Y.), by Order dated November 19, 2012 (ECF No. 2644), including providing the following information concerning each individual document withheld or redacted:
  - a. The type of document or information (*e.g.*, letter, notebook, telephone conversation, etc.);
  - b. The general subject matter of the document;
  - c. The date of the document;
  - d. The authors of the document, the addressees of the document and any other recipients, and where not apparent, the relationship of the authors, addressees, and recipients to one another;
  - e. If the document is an electronic document, its file size; and
  - f. Each and every basis for the privilege or protection claimed; and if a privilege or protection asserted is based upon or governed by a law, statute, regulation, or rule, the specific law, statute, regulation, or rule being invoked.
4. As used herein, the following terms are defined as follows:
  - a. “Document” or “Documents” are defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” and “any designated tangible things” as used in Fed. R. Civ. P. 34(a)(1)(A) and (B). A draft or non-identical copy is a separate document within the meaning of this term.



- b. “Concerning” shall mean referring to, relating to, describing, evidencing, constituting, or in any way relevant to.
- c. “All,” “any,” and “each” shall each be construed as encompassing any and all.
- d. “And” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
- e. “Allegiance Telecom, Inc.” shall mean Allegiance Telecom, Inc., including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on Allegiance Telecom, Inc.’s behalf.

“Cellco Partnership (d/b/a Verizon Wireless – CA)” shall mean Cellco Partnership (d/b/a Verizon Wireless – CA), including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on Cellco Partnership’s (d/b/a Verizon Wireless – CA) behalf.

“GTE-SW (d/b/a Verizon Southwest, Inc. – TX)” shall mean GTE-SW (d/b/a Verizon Southwest, Inc. – TX), including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on GTE-SW’s (d/b/a Verizon Southwest, Inc. – TX) behalf.

“MCI Worldcom Communications, Inc. – MD” shall mean MCI Worldcom Communications, Inc. – MD, including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on MCI Worldcom Communications, Inc. – MD’s behalf.

“Verizon” shall mean Verizon, including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on Verizon’s behalf.

“Verizon California, Inc. - CA (GTE)” shall mean Verizon California, Inc. - CA (GTE), including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees,

officers, directors, or agents; and others known to You to have acted on Verizon California, Inc. - CA (GTE)'s behalf.

"Verizon Delaware, Inc." shall mean Verizon Delaware, Inc., including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on Verizon Delaware, Inc.'s behalf.

"Verizon Maryland, Inc." shall mean Verizon Maryland, Inc., including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on Verizon Maryland, Inc.'s behalf.

"Verizon New England Inc." shall mean Verizon New England, Inc., including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on Verizon New England, Inc.'s behalf.

"Verizon New Jersey, Inc." shall mean Verizon New Jersey, Inc., including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on Verizon New Jersey, Inc.'s behalf.

"Verizon New York, Inc." shall mean Verizon New York, Inc., including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on Verizon New York, Inc.'s behalf.

"Verizon Pennsylvania, Inc." shall mean Verizon Pennsylvania, Inc., including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on Verizon Pennsylvania, Inc.'s behalf.

"Verizon Virginia, Inc." shall mean Verizon Virginia, Inc., including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on Verizon Virginia, Inc.'s behalf.



“Verizon Washington DC” shall mean Verizon Washington, D.C., including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on Verizon Washington DC’s behalf.

“Verizon FDV” shall mean Verizon FDV, including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on Verizon FDV’s behalf.

“XO California, Inc.” shall mean XO California, Inc., including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on XO California, Inc.’s behalf.

“XO Idaho, Inc.” shall mean XO Idaho, Inc., including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on XO Idaho, Inc.’s behalf.

“XO Illinois, Inc.” shall mean XO Illinois, Inc., including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on XO Illinois, Inc.’s behalf.

“XO DC, Inc.” shall mean XO D.C., Inc., including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on XO D.C., Inc.’s behalf.

- f. “You” and “Your” shall mean the following entities, individually and/or collectively: Allegiance Telecom, Inc., Cellco Partnership (d/b/a Verizon Wireless – CA); GTE-SW (d/b/a Verizon Southwest, Inc. – TX); MCI Worldcom Communications, Inc. – MD; Verizon; Verizon California, Inc. – CA (GTE); Verizon Delaware, Inc.; Verizon Maryland, Inc.; Verizon New England, Inc.; Verizon New Jersey, Inc.; Verizon New York, Inc.; Verizon Pennsylvania, Inc.; Verizon Virginia, Inc.; Verizon Washington, D.C.; Verizon FDV; XO California, Inc.; XO Idaho, Inc.; XO Illinois, Inc.; XO D.C., Inc.; including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions,

corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on their behalf.

- g. “Subscriber Information” shall mean the name of each subscriber or customer associated with the phone number or account; each account number associated with the phone number; each service address and billing address associated with the phone number or account; the name of each person or entity that opened the account or to which billing statements were directed; the features associated with the phone number or account; and any other phone numbers associated with the account.
- h. The “applicable time period” is defined as from January 1, 1995 through and including December 31, 2002. A responsive Document that was prepared prior to the applicable time period but that was operative and in use during the applicable time period must be produced. If a Document is undated, the date of its preparation cannot be ascertained, and the Document is otherwise responsive to the Request, the Document shall be produced.

**II. To Be Produced:**

1. Subscriber Information for the following Allegiance Telecom, Inc. telephone number:

7148435011

2. Subscriber Information for the following Cellco Partnership (d/b/a Verizon Wireless – CA) telephone numbers:

2022976224  
2024942777  
3035794666  
3103399199  
3103453087  
3103453097  
3104357335  
3104881100  
3104979021  
3106660077  
3106662656  
3106662666  
3106664666  
3108041544  
3108243917  
3109015999  
3109364196  
3109365252  
4153102791  
5014423436

5085795599  
5099537952  
5622448888  
5627439128  
5628822222  
6104208825  
6192041060  
6192269039  
6192275561  
6193001800  
6193226562  
6193226662  
6193226663  
6193793304  
6194577595  
6195382410  
6196234080  
6196724368  
6266446627  
6618164004  
7032980264  
7033076234  
7033955612  
7034475010  
7036235055  
7038679399  
7144031877  
7144038926  
7144060000  
7604806290  
8058963255  
8312067916  
8582581133  
8582791994  
8583360325  
8583370429  
8589458031  
8593146555  
9092439521  
9097326702  
9097326702  
9173017855  
9178160838  
9494005009  
9496366666

3. Subscriber information for the following GTE-SW (d/b/a Verizon Southwest, Inc. – TX) telephone number:

9797766515

4. Subscriber information for the following MCI Worldcom Communications, Inc. – MD telephone numbers:

3105565689

3108297878

6097717330

6192292882

6192965570

8585760811

5. Subscriber information for the following Verizon telephone numbers:

2022988806

2022988809

2022988856

2022988858

2022988860

6. Subscriber information for the following Verizon California, Inc. - CA (GTE) telephone numbers:

2137400203

3102341170

3103064803

3103136002

3103700338

3103902765

3103916482

3103946774

3103980811

3103991232

3104400788

3104412085

3104412314

3104587419

3104651616

3104773327

3104795000

3105771585

3105899984

3106562666

3108295511  
5598759910  
5624026448  
5624215722  
5624646549  
5624946549  
5624971514  
5625971514  
5629239911  
5629517199  
5629617110  
6263050077  
6263312442  
6617631153  
7148419275  
7148943552  
8055718816  
8183607980  
8183663914  
9095937743  
9096214597  
9096236512  
9096238512  
9096268220  
9099492101

7. Subscriber information for the following Verizon Delaware, Inc. telephone numbers:

3024221386  
3026533774  
3026536141  
3026537566  
3026538287  
3026538623  
3026538726  
3026539294  
3026591630

8. Subscriber information for the following Verizon Maryland, Inc. telephone number:

3019841555

9. Subscriber information for the following Verizon New England, Inc. telephone numbers:

4017699826  
5088421379

10. Subscriber information for the following Verizon New Jersey, Inc. telephone number:

9737788100

11. Subscriber information for the following Verizon New York, Inc. telephone numbers:

2127517102  
2127517117  
7182224986  
7184981785  
9143770520

12. Subscriber information for the following Verizon Pennsylvania, Inc. telephone number:

6109989666

13. Subscriber information for the following Verizon Virginia, Inc. telephone numbers:

5409515666  
7032073901  
7032073923  
7032073924  
7032073965  
7032127337  
7032181814  
7032378200  
7032378666  
7032419659  
7032805333  
7033221115  
7033546300  
7033798319  
7033858833  
7035274242  
7035322668  
7035360998  
7035564127  
7036414899  
7036580667  
7036712115  
7036913403



7036986971  
7037573383  
7038205738  
7038278836  
7038364327  
7039160924  
7039160925  
7039986067  
7039988897

14. Subscriber information for the following Verizon Washington, D.C. telephone numbers:

2022241300  
2022245972  
2022326313  
2022968849  
2022986722  
2022988614  
2022988722  
2022988802  
2022988804  
2022988813  
2022988814  
2022988841  
2022988848  
2022988849  
2022988861  
2022988862  
2022988863  
2022988886  
2022988888  
2022988895  
2023333800  
2023372976  
2023374132  
2023379450  
2023423700  
2023423800  
2026380890  
2026385900  
2028570122  
2029442113  
2029443108  
2029443112  
2029443120

2029443192  
2029443262  
2029443344  
2029443532  
2029443535  
2029443547  
2029445963  
2029445982  
7033594424  
7035281000

15. Subscriber information for the following Verizon FDV telephone numbers:

2014341305  
3019620866  
7035243722  
7037590211  
7037640508  
7037640942  
7037930180  
7038203784

16. Subscriber information for the following XO California, Inc. telephone numbers:

3102755200  
3105562777  
6194508646  
6194608646  
6196987747  
7149170944  
8582782100  
8586740339

17. Subscriber information for the following XO Idaho, Inc. telephone number:

2082988722

18. Subscriber information for the following XO Illinois, Inc. telephone number:

8476784488

19. Subscriber information for the following XO D.C., Inc. telephone numbers:

2023344207  
2023345032  
2023347572

20. Any and all documents concerning Your document destruction, retention, or storage procedures in effect between 1995 and the present, which could have caused documents concerning the aforementioned telephone numbers to be destroyed or to no longer be in Your possession, custody, or control.

45440748\1

## UNITED STATES DISTRICT COURT

for the

Southern District of New York

In Re Terrorist Attacks on September 11, 2001

Plaintiff

v.

Defendant

Civil Action No. 03-MDL-1570

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Airus, Inc., 840 South Canal Street, 7th Floor, Chicago, IL 60607  
To the attention of Pat Phipps by fax: 312-757-4874

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

See Attachment

Place: Cozen O'Connor, 123 North Wacker Drive,  
Suite 1800, Chicago, IL 60606

Date and Time:

04/24/2020 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 03/24/2020

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Plaintiffs'  
Executive Committees, who issues or requests this subpoena, are:

Sean P. Carter, Cozen O'Connor, One Liberty Place, 1650 Market Street, 28th Fl., Phila., PA 19103;  
scarter1@cozen.com Phone: 215-665-2105

## Notice to the person who issues or requests this subpoena

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 03-MDL-1570

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_

on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:

**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)****(c) Place of Compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) *Contempt.*

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

**ATTACHMENT**

**I. Instructions and Definitions:**

1. This subpoena is issued pursuant to Rule 45 of the Federal Rules of Civil Procedure and all documents specified below are required to be produced as required by Rule 45.
2. Each document responsive to this subpoena shall be produced in its entirety, with all non-identical copies and drafts, without abbreviation or redaction, subject only to credible assertions of privileges recognized under the common law.
3. If You assert a privilege or other authorized protection with respect to any document requested herein, You must produce all non-privileged/protected portions of the document with those portions as to which a privilege/protection is claimed redacted, and You must provide a privilege log that conforms with the requirements set out by United States Magistrate Judge Frank Maas in the case captioned *In re Terrorist Attacks on September 11, 2001*, No. 03-md-1570 (S.D.N.Y.), by Order dated November 19, 2012 (ECF No. 2644), including providing the following information concerning each individual document withheld or redacted:
  - a. The type of document or information (*e.g.*, letter, notebook, telephone conversation, etc.);
  - b. The general subject matter of the document;
  - c. The date of the document;
  - d. The authors of the document, the addressees of the document and any other recipients, and where not apparent, the relationship of the authors, addressees, and recipients to one another;
  - e. If the document is an electronic document, its file size; and
  - f. Each and every basis for the privilege or protection claimed; and if a privilege or protection asserted is based upon or governed by a law, statute, regulation, or rule, the specific law, statute, regulation, or rule being invoked.
4. As used herein, the following terms are defined as follows:
  - a. “Document” or “Documents” are defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” and “any designated tangible things” as used in Fed. R. Civ. P. 34(a)(1)(A) and (B). A draft or non-identical copy is a separate document within the meaning of this term.
  - b. “Concerning” shall mean referring to, relating to, describing, evidencing, constituting, or in any way relevant to.



- c. “All,” “any,” and “each” shall each be construed as encompassing any and all.
- d. “And” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
- e. “Airus, Inc.” shall mean Airus, Inc., including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on Airus, Inc.’s behalf.
- f. “You” and “Your” shall mean Airus, Inc., including all predecessors-in-interest; successors-in-interest; parent institutions, corporations or other entities; affiliated or subsidiary institutions, corporations or other entities; present or former employees, officers, directors, or agents; and others known to You to have acted on Airus, Inc.’s behalf.
- g. “Subscriber Information” shall mean the name of each subscriber or customer associated with the phone number or account; each account number associated with the phone number; each service address and billing address associated with the phone number or account; the name of each person or entity that opened the account or to which billing statements were directed; the features associated with the phone number or account; and any other phone numbers associated with the account.
- h. The “applicable time period” is defined as from January 1, 1995 through and including December 31, 2002. A responsive Document that was prepared prior to the applicable time period but that was operative and in use during the applicable time period must be produced. If a Document is undated, the date of its preparation cannot be ascertained, and the Document is otherwise responsive to the Request, the Document shall be produced.

## **II. To Be Produced:**

1. Subscriber Information for the following Airus, Inc. telephone numbers:

(619) 291-7131  
(703) 858-1500

2. Any and all documents concerning Your document destruction, retention, or storage procedures in effect between 1995 and the present, which could have caused documents concerning the aforementioned telephone numbers to be destroyed or to no longer be in Your possession, custody, or control.